

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CR 78**

UNITED STATES OF AMERICA,

v.

MARION KENT COVINTON,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

This matter came before the Court on March 20, 2019 for a hearing on Defendant’s “Motion to Join in and Adopt Co-Defendant’s Response to Motion to Quash” (“Motion to Join”) (Doc. 62) and on the Government’s Motion for Leave to File Reply (Doc. 72). Appearing at the hearing were Assistant United States Attorney Daniel Bradley for the Government and attorney Stephen Cash on behalf of Defendant. At the conclusion of the hearing, the Court took the motions under advisement. This Order now follows.

Through the Motion to Join, Defendant sought to adopt the opposition of his co-defendant, Diane McKinny, to Non-Party Jones Road LLC’s “Motion to Quash Subpoenas Duces Tecum and Request for Hearing” filed in Ms. McKinny’s case. In simple terms, Defendant’s argument is that, if Ms. McKinny receives the information she seeks through the pre-trial subpoenas *duces tecum* at issue in her case, he should receive the information as well. Defendant also questioned the change of the Government’s position regarding the subpoenas in Ms. McKinny’s matter, which led to the Government’s motion requesting leave to file a further brief.¹

¹ At the hearing, counsel for Defendant advised that Defendant is not alleging intentional misconduct by the Government in violation of its Brady/Giglio obligations.

The Motion to Quash by Jones Road LLC in Ms. McKinny's case has been granted, and the subpoenas duces tecum have been quashed.

Accordingly, Defendant's Motion to Join (Doc. 62) and the Government's Motion for Leave to File Reply (Doc. 72) are **DENIED AS MOOT**.

Signed: March 25, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

